



TOWN OF LOS GATOS
PLANNING COMMISSION MEETING
ACTION MINUTES
TOWN COUNCIL CHAMBERS
110 E. MAIN STREET
WEDNESDAY, OCTOBER 12, 2005 -- 7:00 P.M.

Please refer to compact disk # 10-12-05 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Michael Burke, Chair; Phil Micciche, Vice Chair; John Bourgeois, D. Michael Kane, Thomas O'Donnell, Lee Quintana and Joanne Talesfore

Absent: None

Others: Assistant Community Development Director Randy Tsuda, Assistant Planner Rachel B. Peled, Associate Civil Engineer Fletcher Parsons and Town Attorney Orry Korb

VERBAL COMMUNICATION

Ray Davis Commented on the Pledge of Allegiance, saving the mountains around Los Gatos from development and the Town's 51st ranking in a list of cities safe for children.

APPROVAL OF MINUTES

September 28, 2005 - Motion by Commissioner Micciche and seconded by Commissioner O'Donnell to approve meeting minutes. Commissioner Quintana requested the findings provided in the Desk Item for 25 Fiesta Wy be added to the findings provided in the report for this item. Commissioners Micciche and O'Donnell concurred. Passed unanimously.

CONSENT CALENDAR - NONE

CONTINUED PUBLIC HEARING - NONE

NEW PUBLIC HEARINGS

ITEM 1 **402 More Avenue**
Conditional Use Permit U-06-02

Requesting approval to co-locate a wireless telecommunications facility on property zoned R-1:20. APN 407-04-003.
PROPERTY OWNER: San Jose Water Company
APPLICANT: T-Mobile

PUBLIC TESTIMONY by Ray Davis, Mark Orr and William Stephens

MOTION: Motion by Commissioner O'Donnell and seconded by Commissioner Bourgeois to approve Conditional Use Permit U-06-02. The required findings were made as noted in Exhibit A of report dated October 4, 2005 and the application incorporated conditions as noted in Exhibit B of report dated October 4, 2005 and Desk Item dated October 11, 2005(Exhibit K) with the modifications as noted below:

~~14. TOWER EXTENSION: The existing PG&E tower shall not be increased in height.~~

14. ANTENNA LOCATIONS: Antenna locations shall be consistent with antenna mock-up photo (Exhibit G of the Planning Commission report) on file in the Community Development Department.

Motion carried 7-0.

Appeal rights recited by Mr. Korb.

ITEM 2 **540 N. Santa Cruz Avenue**
Conditional Use Permit U-05-017

Requesting approval to operate a restaurant (Subway Sandwiches) on property zoned C-1. APN 529-07-095.

PROPERTY OWNER: Rodger and Rebecca Emerick

APPLICANT: Miya Glasauer

PUBLIC TESTIMONY by Ray Davis, Miya Glasauer and Darlene Wood.

MOTION: Motion by Commissioner Kane and seconded by O'Donnell to approve Conditional Use Permit U-05-017. The required findings were made as noted in Exhibit C of report dated October 4, 2005 and the application incorporated conditions as noted in Exhibit D of report dated October 4 and Desk Item dated October 12, 2005 (Exhibit G) with the following added conditions:

~~7. REFUSE CANS: Employees of the business shall monitor the refuse can in the public right of way adjacent to the business and empty the can if full.~~

7. **SIGNAGE:** All off-premises signs (including signs held by any person or persons), neon signs, and moving signs are prohibited according to Section 29.10.115 of the Town Code.

8. **TRAFFIC IMPACT:** Traffic data is based on statistical information provided by the applicant. Traffic generation of any future restaurant use shall be re-evaluated by the Town prior to issuance of a Use and Occupancy Permit. Future restaurant uses with increased trip generation rates will require a modification of the Conditional Use Permit and payment of an additional traffic mitigation fee.

9. **TRASH RECEPTACLES:** Applicant shall provide trash receptacles and monitor the disposal of trash on the property adjacent to benches along N. Santa Cruz Avenue.
10. **COMMUNITY BENEFIT:** Applicant shall contribute to the North Santa Cruz Ave/Roberts Rd crosswalk project. The project shall be roughly proportional to the traffic generated to the satisfaction of the Community Development Department. The applicant shall also implement measures to improve the condition and appearance of the planters along North Santa Cruz Avenue.

Motion carried 7-0.

Appeal rights recited by Mr. Korb.

CONTINUED OTHER BUSINESS - NONE

NEW OTHER BUSINESS

Sub-Committee Reports - None

ITEM 4 - Report from Director of Community Development
Memo/Shady Lane Project

PUBLIC TESTIMONY by Ray Davis, Gary Harwin, Bernard Coullahan, Sandy Harris and David Fox.

Consensus by Commission to hold a public hearing on November 9, 2005 and staff to provide an introductory presentation to the Commission on this project.

ITEM 5 - Commission Matters

Commissioner Micciche - Mentioned that if Chair Burke is re-appointed to the Commission, then would like to agendize an item for Mr. Burke to remain chair until such time as he actually leaves the area.

Commissioner Burke - Questioned whether the Town can implement a cellular phone franchise fee - not necessarily to make money for the Town, but to guarantee that cell sites serve the community/residents not just Hwys 85 and 17.

Commissioner Kane - Commented on better communication through telephone calls or e-mails between staff and Commissioners.

ADJOURNMENT

Chair Burke adjourned the meeting at approximately 9:15 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION
October 12, 2005

Michael Burke, Chair

APPROVED AS TO FORM AND ATTEST:

Randy Tsuda
Assistant Director of Community
Development

Bud N. Lortz
Director of Community Development